

ORDINANCE NO. 2776 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY EASEMENT IN FAVOR OF QWEST CORPORATION LOCATED AT GLEN HARBOR BOULEVARD, WEST OF THE WESTMEC AVIATION CAMPUS AND JUST NORTH OF THE GLENDALE MUNICIPAL AIRPORT; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City Council hereby approves the utility easement and all the terms and conditions thereto and directs that the City Manager for the City of Glendale execute said document granting Qwest Corporation an easement upon, across, over and under the surface of certain property located within existing City property, in the form attached hereto as Exhibit A. The legal description is contained in the Easement.

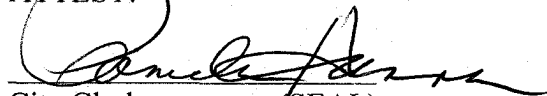
SECTION 2. That the City hereby reserves the right to use the utility easement premises in any manner that will not prevent or interfere with the exercise by Qwest Corporation of the rights granted hereunder; provided, however, that the City shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of Qwest Corporation.

SECTION 3. That the City Clerk be instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

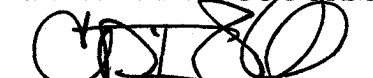
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 28th day of June, 2011.


MAYOR

ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:

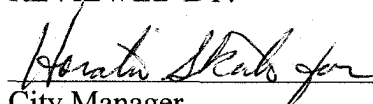

City Manager

EXHIBIT-FOR REFERENCE ONLY

Return to
Qwest
Attn: Mary Hutton
5025 North Black Canyon Hwy, Rm 100
Phoenix, AZ 85015

RECORDING INFORMATION ABOVE
GRANT OF EASEMENT

0213ECG

The City of Glendale, an Arizona Municipal corporation, ("Grantor") for and in consideration of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to QWEST CORPORATION, a Colorado corporation ("Grantee"), whose address is 1801 California St., Suite 5200, Denver, CO 80202, Attn: Network Vice President, and its successors, assigns, affiliates, lessees, licensees, and agents, an easement to construct, reconstruct, modify, change, add to, operate, maintain, and remove such telecommunications facilities and appurtenances related to the provision of telecommunications services as Grantee may require upon, over, under and across the following described property situated in the County of Maricopa, State of Arizona, which Grantor owns ("Easement Area"):

The Easement Area, described in its entirety on EXHIBIT "A" is attached hereto and by this reference made a part hereof.

Grantor further grants to Grantee the right of ingress and egress over and across Grantor's lands to and from the Easement Area and the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

By recording and exercising the rights granted under this Easement Grantee agrees to indemnify Grantor for all damages caused to Grantor as a result of Grantee's acts or omissions in the exercise of the rights and privileges herein granted. Grantor agrees that Grantee shall have no responsibility for pre-existing environmental contamination or liabilities or those not caused by Grantee.

Grantor reserves the right to occupy and use the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on the Easement Area and no change will be made by grading or otherwise to the surface or subsurface of the Easement Area or to the ground immediately adjacent to the Easement Area that will materially affect the use and utility of the easement granted.

The rights, conditions and provisions of this Easement Agreement will run with the land and will inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

Page 1 of 2

R/W# _____

Initials _____

EXHIBIT-FOR REFERENCE ONLY

RECORDING INFORMATION ABOVE

GRANTOR(S):

CITY OF GLENDALE,
an Arizona Municipal corporation,

Ed Beasley, City Manager

ATTEST:

APPROVED AS TO FORM:

Pam Hanna, City Clerk

Craig Tindall, City Attorney

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____,
2011, by _____ as _____ of
CITY OF GLENDALE, an Arizona Municipal corporation, on behalf of the company.

Witness my hand and official seal:

Notary Public

My commission expires: _____

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R/W# _____ Job # 0213ECG
Exchange: PHNX\ZBW County: Maricopa
NE 1/4 of Section: 7 Township: 2N Range: 1E

EXHIBIT-FOR REFERENCE ONLY

EXHIBIT 'A'

ALL THAT PORTION OF THE PARCEL DESCRIBED IN DOCKET 1983-0522847 OF MARICOPA COUNTY RECORDS WHICH LIES WITHIN THE FOLLOWING DESCRIBED EASEMENT.

A STRIP OF LAND 8.00 FEET IN WIDTH SITUATED WITHIN THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THAT PARCEL NO. 1, AS RECORDED IN BOOK 1072 OF MAPS, PAGE 4 OF MARICOPA COUNTY RECORDS. THENCE NORTH 00 DEGREES 43 MINUTES 56 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL NO. 1, A DISTANCE OF 82.81 FEET TO REFERENCE POINT "A" OF THIS LEGAL DESCRIPTION, ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 43 MINUTES 56 SECONDS EAST, 8.00 FEET TO REFERENCE POINT "B" OF THIS LEGAL DESCRIPTION;

THENCE SOUTH 88 DEGREES 43 MINUTES 44 SECONDS WEST 8.66 FEET;

THENCE NORTH 78 DEGREES 28 MINUTES 08 SECONDS WEST 184.86 FEET;

THENCE NORTH 83 DEGREES 16 MINUTES 27 SECONDS WEST 68.00 FEET;

THENCE NORTH 74 DEGREES 34 MINUTES 04 SECONDS WEST 59.74 FEET TO A POINT 4.00 FEET EAST OF THE WEST LINE OF SAID PARCEL DESCRIBED IN DOCKET 1983-0522847

MARICOPA COUNTY RECORDS;

THENCE SOUTH 00 DEGREES 43 MINUTES 56 SECONDS WEST 8.27 FEET;

THENCE SOUTH 74 DEGREES 34 MINUTES 04 SECONDS EAST 58.25 FEET;

THENCE SOUTH 83 DEGREES 16 MINUTES 27 SECONDS EAST 68.27 FEET;

THENCE SOUTH 78 DEGREES 28 MINUTES 08 SECONDS EAST 165.42 FEET;

THENCE NORTH 88 DEGREES 43 MINUTES 44 SECONDS EAST,

A DISTANCE OF 9.29 FEET TO THE POINT OF BEGINNING.



Expires 09-30-12

APN 102-59-001W



PLANNING - CIVIL ENGINEERING - SURVEYING
LEMME ENGINEERING INC.
3608 WEST BETHANY HOME ROAD
PHOENIX, ARIZONA 85018
PHONE (602) 841-8904 FAX (602) 841-8351

W.O.10-630 DATE 04-05-11 SHEET 1 OF 2

LEGAL DESCRIPTION
UNDERGROUND UTILITY EASEMENT
NW1/4 SECTION 7
T.2N., R.1E., MARICOPA CO., AZ.

EXHIBIT-FOR REFERENCE ONLY

